



General Assembly

January Session, 2009

Amendment

LCO No. 7683

SB0045507683SD0

Offered by:

SEN. HARRIS, 5th Dist.

SEN. PRAGUE, 19th Dist.

To: Subst. Senate Bill No. 455

File No. 756

Cal. No. 511

"AN ACT CONCERNING THE NURSING HOME BILL OF RIGHTS."

1 Strike section 2 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 2. Subsection (e) of section 19a-550 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2009*):

6 (e) Any facility that negligently deprives a patient of any right or
7 benefit created or established for the well-being of the patient by the
8 provisions of this section shall be liable to such patient in a private
9 cause of action for injuries suffered as a result of such deprivation.
10 Upon a finding that a patient has been deprived of such a right or
11 benefit, and that the patient has been injured as a result of such
12 deprivation, damages shall be assessed in the amount sufficient to
13 compensate such patient for such injury. The rights or benefits
14 specified in subsections (b) to (d), inclusive, of this section may not be
15 reduced, rescinded or abrogated by contract. In addition, where the

16 deprivation of any such right or benefit is found to have been wilful or
17 in reckless disregard of the rights of the patient, punitive damages may
18 be assessed. A patient may also maintain an action pursuant to this
19 section for any other type of relief, including injunctive and
20 declaratory relief, permitted by law. Exhaustion of any available
21 administrative remedies shall not be required prior to commencement
22 of suit under this section."